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SUBJECT: IRAN/HUMAN RIGHTS: BAHAI'I TRIAL UPDATE AND REQUEST FOR HELP

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Classified By: ConGen Istanbul Deputy Principal Officer Win Dayton; Reason 1.5 (d)

¶1. (C) Summary: Turkish Bahai'i community leaders told us the trial of Iranian Bahai'i activists remains scheduled for October 18. Given that the prosecutor and judge involved in the case are the same ones who convicted American-Iranian journalist Roxane Saberi of espionage, the Bahai'i are bracing for a short trial and guilty verdict. However, they also believe the regime knows it has no real evidence and recognizes that a guilty verdict will intensify the international spotlight on its human rights record, so a compromise outcome might be possible. Our interlocutors believe a diplomatic intervention by Turkey could have a positive effect given FM Davutoglu's influence with Iran, and asked if the USG might nudge Turkey to take that step. They confirmed that the Bahai'i community in Iran is facing increased harassment and pressure in 2009, sharing with us information on a number of cases. End summary.

¶1. (C) ConGen Istanbul's NEA Iran Watcher and Religious Freedom officers met September 23 in Istanbul with Bahai'i Community of Turkey leaders, including Secretary-General Dr. Farzad Kuchani, Director of External Affairs Dr. Cuneyt Can, and Diplomatic Issues Coordinator Dr. Murat Bilginer, to discuss the status of the Bahai'i community in Turkey (septel) and in Iran.

¶3. (C) The Bahai'i leadership told us that the community in Iran remains under intense pressure. Although it remains a relatively sizable community in Iran with close to 300,000 members, making it the largest religious minority in Iran (though the regime does not recognize it as such), most Iranian Bahai'i have experienced worsening harassment in 2009 at home, at schools and in the workplace. Kuchani noted an early 2009 decision by the regime to declare all Bahai'i administrative arrangements illegal, and shared with us a handout detailing numerous arrests of Bahai'i members this year in cities throughout Iran (including Bushehr, Ghaemshar, Hamadan, Karaj, Mandoab, Sari, Semnan, Shiraz, and Yazd), as well as wide-scale vandalism of Bahai'i property and desecration of Bahai'i cemeteries continuing throughout 2009 (Comment: document sent to NEA/IR). With the start of the academic year at Iranian universities in recent weeks, cases are now coming to the leadership's attention of Bahai'i students being blocked from attending classes. Many other students are still in the process of registering, but Kuchani assessed that the regime was clearly continuing its policy of preventing Bahai'i students from attending university. Long-standing professional, financial, and workplace persecution, including such as denial of loans, bank account applications and other banking services, and arbitrary termination from jobs and closing of business, also

continues.

¶4. (C) It was small consolation, Kuchani noted, that since the June 12 election and subsequent protests, "at least the world is now paying closer attention" to the regime's dismal human rights record. In the face of the pressure, the Bahai'i community in Iran was "holding on", Cuneyt explained, and continuing to hold religious gatherings, but doing so in small groups, infrequently, in constantly changing locations, so as not to draw unnecessary attention from the regime. (Comment: As noted in reftels, if an Iranian Bahai'i individual or family can no longer tolerate the persecution, and if the Bahai'i leadership agrees, the community will help them leave Iran and seek refugee status elsewhere. Turkey currently hosts some 1,100 Iranian Bahai'i refugees awaiting onward resettlement.)

The Bahai'i Leadership Trial

¶5. (C) Our interlocutors confirmed that the trial date for the seven Iranian Bahai'i community leaders arrested in May 2008 was still scheduled for October 18. They told us the regime's handling of the trial has consistently failed to conform even to Iranian law and legal procedures. The Bahai'i detainees' legal team, "and even many independent Iranian observers" according to Kuchani, have asserted that the regime has no concrete evidence to back up the allegations of espionage and treason. Kuchani offered with relief that the lead attorney, Abdolfattah Soltani, was released several weeks ago from prison, but is not currently active on the case. Kuchani also revealed that two other

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lawyers from Shirin Ebadi's "Defenders of Human Rights Center" met in early September with all seven detained Bahai'i leaders, in a group. According to Kuchani, that was the first time that the group had been allowed to meet together with attorneys. Kuchani described these two events as "small positive steps."

¶6. (C) Kuchani noted that prosecutor who has lodged the charges against the defendants and the judge likely to preside over the case are the same prosecutor and judge who prepared the case against American-Iranian journalist Roxane Saberi and presided over her April 2009 conviction on espionage charges (Comment: Her eight-year prison sentence was reduced by an appeals courts one month later and she was granted conditional release). Our interlocutors are thus bracing for a similar outcome -- a verdict in one sitting, resulting most likely in a guilty plea, "like the other show trials." On the other hand, Kuchani also assesses that "the regime feels stuck, they don't want to be confronted by this right now. They know they don't have any evidence, and they realize there will be a lot of global attention on the outcome." He revealed that Iranian judicial officials had asked the Bahai'i defendants to replace their defense team; Kuchani believes the regime's motive was to secure a more compliant team of attorneys with whom it could negotiate a plea bargain sentence based on lesser charges. The Bahai'i defendants refused, unwilling to confess to any false charges.

¶7. (C) The Bahai'i community welcomes the expressions of international concern over the lack of due process and other fundamental legal rights afforded the defendants. Kuchani and Can underscored that statements from the UN, the USG (including annual Congressional Resolutions like 2008's H.Res 1008), the EU, and global human rights groups that keep a critical spotlight on the regime's human rights record, particularly in cases where the regime is violating its own constitution and legal codes. International pressure in such cases -- especially when the regime is already feeling vulnerable -- sometimes can successfully compel Iranian leaders to offer concessionary gestures. Our interlocutors noted that such statements must strike a balance -- too stringent a defense of the Bahai'i defendants' innocence can

taint them by association and reinforce the views of Iranian hard-liners that the defenders are indeed agents of the west. But statements that spotlight the regime's mis-application of justice sometimes have a more effective impact.

Hoping Turkey might weigh in

¶18. (C) Asked what other steps might be helpful in raising pressure on the regime regarding this case, Kuchani assessed that Iran pays close attention to Turkish statements and demarches. Our interlocutors understand that Turkey typically does not involve itself in what it considers to be the "internal affairs" of other states, especially human rights issues in neighboring states. But Kuchani expressed the hope that in such a case -- involving "denying fundamental rights" to a persecuted religious group -- the Turkish MFA, and especially FM Davutoglu ("a man who means business and gets things done") might consider raising the Bahai'i trial with Iranian counterparts. Can noted that the EU has issued three statements about the Bahai'i defendants trial, and that Turkey as an accession candidate has aligned itself with these statements. The Bahai'i community in Turkey believes the MFA might be willing to take the additional step of either a public statement or diplomatic demarche to the Iranian MFA urging that proper judicial procedures be followed in this case, and asked if the USG might be willing to nudge the Turkish MFA to take that step.

¶19. (C) Our interlocutors further noted that as the P5-1's offer of dialogue with Iran on October 1 takes place and perhaps continues thereafter, the timing would be particular propitious for Turkey to urge Iran to make a small but significant humanitarian gesture on this case, if only to improve the climate surrounding those talks.

¶10. (C) On the other hand, noting that Turkey now enjoys wider regional influence as a UNSC member, our interlocutors commented on Turkey's "unfortunate record" of being absent every year when the UNGA Third Committee votes on the annual Iran/human rights resolution. They expressed hope that Turkey would consider voting this year with the majority of UN member states to support that resolution, which usually includes specific language urging Iran to end discrimination against ethnic and religious minority groups including

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Bahai'is.

Comments

¶11. (C) We agree with our contacts' assessment that a Turkish effort to raise the Bahai'i defendants' case with Iran would get the regime's attention, although increased diplomatic pressure on Iran on the Bahai'i case might also potentially compete with, or dilute, concurrent international pressure on Iran to release the detained Americans. We remain skeptical that Turkey would raise the Bahai'i case with Iran, given that Turkey itself does not recognize the Bahai'i and moreover rarely pressures Iran on human rights issues, but we defer to Washington as to whether a USG request to Turkey to raise this case Iran would be useful. In any event, our interlocutors were grateful for the continuing contacts with the USG, both in Turkey and with Bahai'i representative Kit Bigelow in Washington, and pledged to keep us updated regarding the status of the Iranian community in Iran and in Turkey. End comment.
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